

**STATE OF MINNESOTA  
IN COURT OF APPEALS**

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Old Man Winter and Mr. Snow,

**PETITION FOR WRIT OF PROHIBITION**

Petitioners,

District Court File No. 27-CV-03-09-10

vs.

Citizens of Minnesota,

Date of Order: March 7, 2019

Respondents.

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TO: Clerk of Appellate Courts  
305 Minnesota Judicial Center  
25 Rev. Dr. Martin Luther King Jr. Blvd.  
Saint Paul, MN 55155

Petitioners, Old Man Winter and Mr. Snow, in their official capacities as arbiters of the cold conditions and snowfall, request a writ of prohibition restraining the Hennepin County District Court (“District Court”) from enforcing its order of March 7, 2019, enjoining Petitioners from their ancient customs and livelihood – causing cold and snowfall in Minnesota and Hennepin County.

**STATEMENT OF FACTS**

Petitioners are old curmudgeonly phantoms of the cosmos, and are responsible for the cold, the *really* cold, snowfall, ice dams, car accidents, slips, falls, and heartache. They are the breakers of wills, destroyers of souls, and terrible clients. By an order filed

on March 7, 2019, the District Court granted a temporary restraining order, enjoining the Petitioners<sup>1</sup> as follows:

The [Petitioners] are enjoined from permitting any more snowfall this winter in the ‘Restricted Geographic Regions’ of Minnesota; and especially within Hennepin County. This does not prohibit the [Petitioners] from continuing their exploits in Wisconsin, Iowa, South Dakota, and North Dakota.

### **STATEMENT OF THE ISSUES**

Did the District Court exceed its lawful authority by enjoining the Petitioners from permitting any more snowfall this winter in Minnesota and Hennepin County specially?

### **RELIEF SOUGHT**

An order prohibiting the District Court from enjoining the Petitioners from permitting any more snowfall this winter anywhere, and an order prohibiting the District Court from entering any such orders until mid-April, 2019.

### **REASONS WHY THE WRIT SHOULD ISSUE**

A writ of prohibition issues only when (1) a district court exercises, or is about to exercise, judicial or quasi-judicial power; (2) the exercise of such power is unauthorized by law; and (3) the exercise of such power will result in injury for which there is no adequate remedy. *In re Leslie v. Emerson*, 889 N.W.2d 13, 14 (Minn. 2017). The extraordinary writ of prohibition serves as an important tool to “oversee the actions of lower courts in the rare instances in which a court... exercises judicial power that is unauthorized by law.” *Klapmeier v. Cirrus Industries, Inc.*, 900 N.W.2d 386, 392

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<sup>1</sup> The District Court’s Order also enjoined Minnesota Meteorologists. The Minnesota Meteorologists are not a party to this petition.

(Minn.2017). In this case, the District Court exercised judicial power, the exercise of such power was unauthorized by law, and the exercise of such power has and will continue to result in injury to the Petitioners for which there is no adequate remedy.

**I. The exercise of judicial power.**

No party disputes or could dispute in good faith that the District Court exercised judicial power in enjoining Old Man Winter and Mr. Snow. Accordingly, the first factor is satisfied.

**II. The exercise of power is unauthorized by law.**

To begin, the exercise of the District Court's power – enjoining the Petitioners from felling snow from the heavens – is no more authorized by law than is a suit against God himself. There is no authority in the common law nor the laws of this State supporting the District Court's order of restraint. Old Man Winter and Mr. Snow are not bound by the laws of Man, only Nature. Stated plainly, they are above the law. *See e.g. State v. Old Man Winter*, 323 N.W.2d 1 (Minn.1991) (affirming dismissal of bribery charges against Old Man Winter, Petitioner herein, where it was alleged that he bribed a groundhog to retreat into its den). Accordingly, the second factor is satisfied.

**III. The exercise of such power will result in injury for which there is no adequate remedy.**

The order enjoining Old Man Winter and Mr. Snow has resulted in injury. Indeed, the very temperatures on the day of this writing attest to the injurious nature of the District Court's order. Old Man Winter and Mr. Snow should be left to pursue their

careers for at least one month more. Petitioners would remind the Respondents just how very nasty they can be, even in October. The third factor is satisfied.

Therefore, the Petitioners, Old Man Winter and Mr. Snow, request an order granting this petition for a writ of prohibition and the issuance of a writ restraining the District Court from enforcing its order of March 7, 2019.

Respectfully Submitted,

LUNDGREN & JOHNSON, PSC

Dated: March 8, 2019

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